

# BUREAU OF LAND MANAGEMENT

## STATE OF CALIFORNIA

### RESOURCE ADVISORY COUNCIL

#### CHARTER

1. **OFFICIAL DESIGNATION:** Northwestern California Resource Advisory Council.
2. **COUNCIL OBJECTIVES AND SCOPE:** Provide representative citizen counsel and advice to the Secretary of the Interior (Secretary) through the Bureau of Land Management (BLM) Arcata, Clear Lake and Redding Resource Area Managers concerning the planning and management of the public land resources located within their jurisdictional boundaries.
3. **PERIOD OF TIME NECESSARY FOR THE COUNCIL'S ACTIVITIES:** Since its functions are related to continuing BLM responsibility for the management of public lands and resources within the geographical area of jurisdiction noted above, the need for the Council is expected to continue indefinitely. However, Council continuation will be subject to periodic review and rechartering every 2 years as required by Section 14(b) of the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix.
4. **OFFICIAL TO WHOM THE COUNCIL REPORTS:** The Designated Federal Officer (DFO) to whom the Council reports, unless otherwise noted, is the BLM State Office Director or his representative.

State Director  
California State Office  
2135 Butano Drive  
Sacramento, California 95825-0451
5. **ADMINISTRATIVE SUPPORT:** Administrative support for activities of the Council will be provided by the office of the DFO.
6. **DUTIES OF THE COUNCIL:** In an advisory capacity to the DFO, Council duties and responsibilities are generally as follows:
  - a. Develop recommendations for the BLM regarding the preparation, amendment, and implementation of land use plans for the public lands and resources within the jurisdiction of the Council. This may require the Council to gather and analyze information, conduct studies and field examinations, hear public testimony, and ascertain facts relating to the issues.

b. Except for the purpose of long-range planning and the establishment of resource management priorities, the Council shall not provide advice on the allocation and expenditure of funds or on personnel actions.

c. Advise the BLM State Director in identifying the geographic area(s) for which standards and guidelines will be developed, and with the development and amending of standards and guidelines as necessary.

## **7. COUNCIL COMPOSITION:**

a. Council members appointed by the Secretary shall be representative of the following three general groups:

### **GROUP 1 - PERSONS WHO:**

- (i) hold Federal grazing permits or leases and represent permittees or lessees within the area for which the Council is organized;
- (ii) represent organizations associated with transportation or rights-of-way;
- (iii) represent organizations associated with developed outdoor recreation, off-highway vehicle use, or commercial recreation activities;
- (iv) represent the commercial timber industry organizations; or
- (v) represent energy and mineral development organizations.

### **GROUP 2 - PERSONS REPRESENTING:**

- (i) nationally or regionally recognized environmental organizations;
- (ii) dispersed recreational activities users;
- (iii) archaeological and historical organizations; or
- (iv) nationally or regionally recognized wild horse and burro organizations.

### **GROUP 3 - PERSONS WHO:**

- (i) represent and are an elected official of State, county, or local government;
- (ii) represent and are employed by a State agency responsible for the management of natural resources, land, and water;

- (iii) represent Indian tribes within or adjacent to the area for which the Council is organized;
- (iv) represent and are employed as academicians by a natural resource management or natural sciences organization; or
- (v) represent the public-at-large.

b. Council membership shall be 12 members distributed in a balanced fashion among the three interest groups as specified in paragraph 7a. in this charter.

c. In appointing Council members from the three groups, the Secretary shall provide for a balanced and broad representation within each group, and balance with respect to social, cultural, economic, and geographic composition of the population.

d. Pursuant to Section 309(a) of the Federal Land Policy and Management Act (FLPMA) of 1976, at least one Council member shall be an elected official of general purpose government serving the people within the jurisdiction of the Council.

## **8. MEMBER QUALIFICATION, SELECTION, AND SERVICE:**

a. Council members are appointed by and serve at the pleasure of the Secretary. To be eligible for appointment to the Council, a person must be qualified through education, training, knowledge, or experience to give informed and objective advice regarding an industry, discipline, or interest specified in the Council's charter; have demonstrated experience or knowledge of the geographical area under the purview of the Council; and have demonstrated a commitment to collaborate in seeking solutions to a wide spectrum of resource management issues. The BLM will consider nominations for Council membership from local government, organizations, and individuals. Council members must be residents of California and be supported by letters of recommendation from the groups or interests they will represent.

b. Council members will be appointed to serve 3-year terms, on a staggered term basis, with as near as possible to one-third of the Council subject to appointment or reappointment each year. At the end of the member's term, he or she may continue to serve at the discretion of the Secretary for an interim period, which will not exceed 120 days in order to ensure continuity on the Council until a new appointment has been made.

c. The term of a Council member who has been appointed on the basis of his or her status as an elected official will end upon the member's departure from elective office. When this situation occurs, the Secretary will replace the member who leaves office by filling the vacancy using the same method by which the original appointment was made. However, at the Secretary's discretion, the member may be permitted to complete the same term in another vacant position on the Council, provided that the member is qualified to represent one of the other interests within the three groups listed in paragraph 7a. of this charter.

d. The Secretary or the DFO may, after written notice, terminate the service of a member if, in the judgment of the Secretary or DFO, removal is in the public interest. Members may also be terminated if they no longer meet the requirements under which they were appointed; fail or are unable to participate regularly in Council work; or have violated Federal law or the regulations of the Secretary. When a member fails to regularly attend meetings, the DFO will inform the member, in writing, that his or her service on the Council could be terminated. When any member fails to attend two consecutive meetings, without good cause, the DFO or his/her designee may deem that member's position on the Council to have been vacated. Upon such determination, the DFO will inform the member, in writing, that his or her service on the Council is terminated.

e. Vacancies occurring for any reason, including resignation, death, changing residency by relocating outside the State in which the Council is located, failure to regularly attend Council meetings, or Secretarial removal, will be filled by the Secretary for the position vacated and the balance of the vacating Council member's term. Such vacancies will be promptly reported to the DFO. Vacancies will be replaced using the same process for soliciting candidate nominations followed by Secretarial appointment that was used initially.

f. A person may not serve concurrently on more than one Council. Council members may serve concurrently on Council subgroups.

g. Council members appointed to the Council serve without salary, but they will be reimbursed for travel and per diem expenses when on Council business as authorized by Section 309 of FLPMA and 5 U.S.C. 5703.

## **9. ETHICS RESPONSIBILITIES OF MEMBERS:**

No Council or subcommittee member shall participate in any specific party matter including a lease, license, permit, contract, claim, agreement, or related litigation with the Department in which the member has a direct financial interest. As provided in 43 CFR 1784.2-2, members of the Council shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, or claims that involve lands or resources administered by the BLM, or in any litigation related thereto.

## **10. SUBGROUPS:**

a. The Council may form local subgroups to provide local level input necessary to the successful functioning of the Council. Such subgroups can be formed in response to a petition from local citizens or by a motion of the Council. Membership in any subgroup formed for the purpose of providing general advice to the Council should be constituted in accordance with paragraph 7a. of this charter. Input by local subgroups will be presented directly to the Council for its deliberation and consideration.

b. Specific subgroup requirements include:

- (i) Council members of Council subgroups must reside in California;
- (ii) All members of Council subgroups serve without salary. Only members of subgroups who are also members of the Council may be reimbursed for travel and per diem expenses when on Council (subgroup) business as authorized by 5 U.S.C. 5703; and
- (iii) Members of Council subgroups will be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, or claims that involve lands or resources administered by the BLM, or in any litigation related thereto. No subgroup member shall participate in any matter in which the member has a direct interest.

**11. TECHNICAL REVIEW TEAMS (TRTs):** Technical Review Teams may be formed by the BLM on an as-needed-basis to gather and analyze data and develop recommendations to aid the Council. A TRT can be formed at the motion of the BLM, or in response to a request by the Council. Members will be selected based upon their knowledge of resource management or familiarity with the specific issues for which the TRT is formed and be limited to Federal employees and federally paid consultants. The TRTs will report directly to the BLM and terminate upon completion of the assigned tasks.

**12. COUNCIL OFFICERS:** The Council will elect its own officers from among its members annually, usually at the first meeting of each calendar year. Chairpersons and members of any subgroup formed by the BLM, except for TRTs, will be appointed by the Council Chairperson with the concurrence of the DFO.

**13. MEETINGS:**

a. The Council shall meet at the call of the DFO. The DFO shall attend all meetings of the Council. All Council and Council subgroup meetings, including field examinations, will be open to the general public and representatives of the news media. Any organization, association, or individual may file a statement with or appear before the Council or the Council subgroup(s) regarding topics on the meeting agenda, except that the DFO may require that presentations be reduced to writing and copies be filed with the Council.

b. A notice of each meeting of the Council will normally be published in the Federal Register and distributed to the news media serving the jurisdictional area of the Council, 30 days in advance of such meeting. However, if urgent circumstances prevent a 30-day notice, not less than a 15-day notice will suffice. The notice will set forth clearly and precisely the issues or topics to be discussed and will provide specific times and places for the public to be heard. If it becomes necessary to postpone or cancel an announced meeting, a subsequent notice will be published in the Federal Register and distributed to the news media serving the geographic area as early as possible, explaining the reason(s) for the postponement or cancellation.

- c. Council meeting agendas will be approved in advance by the DFO.
- d. The Council will normally meet from two to four times annually, but in no case less than once. Additional meetings may be called by the DFO in connection with special needs for advice.
- e. Regular Council business activities will be conducted using standard rules of order for internal administration.
- f. A quorum of Council members must be present to constitute an official meeting of the Council and conduct business, e.g., elect officers, adopt resolutions, take positions on issues, etc. A majority of the appointed representatives from each general group listed in paragraph 7a. of this charter constitutes a quorum. In order to refer an issue to the DFO, the majority of members from each group (not a majority of the members of a group in attendance at a particular meeting) must vote in the affirmative. Unanimous agreement of all Council members will be needed to forward a request to the Secretary as provided for under 43 CFR 1784.6-1(c).

**14. COUNCIL RECORDS:** Minutes of each Council meeting will be kept and will contain a record of the persons present; a complete and accurate description of matters discussed and conclusions reached; and copies of all documents received, issued, or approved by the Council. The accuracy of all minutes will be certified by the Council Chairperson. Copies of the minutes will be maintained in the office of the DFO, and they will be available for public inspection and copying during regular business hours.

**15. ESTIMATED OPERATING COSTS:** Activities of the Council will require an estimated \$50,000, including .4 person years.

**16. EXPIRATION DATE:** The Council's charter will expire 2 years from the date the charter is filed, unless, prior to that date, it is rechartered by the Secretary in accordance with the provisions of Section 14(b) of FACA, 5 U.S.C. Appendix. The Council shall not meet or perform any functions without a valid current charter.

**17. AUTHORITY:** Section 309 of the FLPMA, as amended, 43 U.S.C. 1739.

  
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 SECRETARY OF THE INTERIOR

SEP 20 2005

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 Date Signed

SEP 20 2005

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 Date Charter Filed